

# Concerns and complaints about childminders and day-care providers

Better education and care

Ofsted regulates childminding and day-care services in England, such as pre-schools, day nurseries and out of school clubs for children aged under 8. All childminders and day-care providers must meet National Standards, set by the government, in order to qualify for registration.

From time to time parents, and others with an interest in childcare, have concerns about the quality of childcare services.

When considering complaints Ofsted does not act as a complaint adjudicator. We do not decide if complaints are upheld, partially upheld or are unsubstantiated. Instead we investigate concerns to make sure that the childminder or day-care provider continues to meet the National Standards and remains qualified for registration; or whether a person is providing childcare that requires registration without having been registered to do so.

## What if I have a concern?

You should first discuss your concerns with the childminder or day-care provider. Most concerns can be resolved at this stage. If you feel that your concern is not resolved through discussion, you should make a formal complaint to the provider in writing or by email. The law requires all childcare providers to keep you well informed and take prompt and appropriate action if you have concerns.<sup>1</sup>

<sup>1</sup> The Day Care and Child Minding (National Standards) (Amendment) (England) Regulations 2005 no. 2303; available from [www.opsi.gov.uk/si/si2005/20052303.htm](http://www.opsi.gov.uk/si/si2005/20052303.htm)

All day-care providers must have a written complaints procedure for you to follow.

If you are concerned about the safety of children looked after by the child carer please see the section below 'What if I have a child protection concern?'

## What will the childcare provider do?

If your child is in the care of a childcare provider and you make a formal complaint, in writing or by email to that provider, the law requires registered childcare providers to investigate fully. They must provide you with an account of the findings of their investigation within 28 days of receiving the complaint. Providers should tell you about any action they have taken or intend to take as a result of their findings. You can request confirmation by writing or email. Childminders and day-care providers are also required to keep a record of all complaints and share appropriate information from that record with parents on request.

## What should I do if I am not satisfied?

Occasionally you may not be satisfied with the response after following the complaints procedure, or your complaint may relate to an issue that you feel unable to discuss with the childcare provider such as a child protection concern.

If your concern is about the registration of the provider, you can contact Ofsted by ringing the **Early Years Complaints Line** on **0845 640 4040** or by writing to the regional centre that deals with the registration of the provider. The addresses are given at the end of this leaflet.

Ofsted will consider very carefully all complaints about the registration of childminders and providers of day care and will use your information to take appropriate action during an investigation.

### **Complaints Ofsted does not investigate**

Some complaints, or aspects of complaints, are about matters that Ofsted does not investigate. We do not act upon complaints about providers which relate to private matters between the provider and the complainant, such as:

- contractual or payment disputes
- employment matters.

In these cases we will tell you the matter in question is not one that Ofsted has any legal power to investigate.

Sometimes a complaint will cover some matters that fall within our remit and others that do not. In these circumstances we will make it clear to you which aspects we will include in our investigation. If you do have a problem that we are not able to investigate, you may be able to get help from your local Children's Information Service (CIS) or Citizen's Advice Bureau. Their telephone numbers are in local phone directories.

### **How do I make a complaint to Ofsted?**

You can make a complaint in writing, by telephone, fax or in person to any Ofsted staff. You can contact the **Early Years Complaints Line** on **0845 640 4040**.

If you are making a complaint to Ofsted because you are not satisfied with the investigation completed by the provider, it is helpful to put your complaint in writing. It would assist us in our investigation if you could enclose a copy of your original complaint to the provider, along with an account of the findings and any action taken, or proposed, by the provider and the reasons why you are not satisfied.

If you have not made a formal complaint to the provider before contacting Ofsted, we will ask you to do so unless you have a good reason not to. You should work out what you want to say before contacting us. You need to note any key persons, times and dates.

If your complaint is made by telephone we will normally ask you to put the information in writing, or we will send a letter to acknowledge the complaint and confirm the information you have given us. The person taking your call may ask for more details or transfer your call to another person who is more able to help.

If your complaint is in writing, it would be helpful if you include a telephone number in case we need to contact you for further information or clarification of your complaint.

It may not be possible to keep your name confidential during any investigation although Ofsted will consider any requests to do so. However, the childcare provider may be able to work out who made the complaint from its content. If any action is taken against the provider and the case goes to a court or tribunal, it will not be possible to keep your identity a secret at this stage.

Sometimes a complaint about a completely separate issue can trigger child protection concerns. Where this is the case we are obliged to pass on full details to the police and social services so that they can carry out the necessary investigations.

## What if I have a child protection concern?

If you think your child or another child in the care of a childminder or day-care provider may be at risk of abuse or neglect, you should report your concerns **immediately** to the **Early Years Complaints Line** on **0845 640 4040**. You should also inform the local authority Child Protection Team. You can get contact details from the local phone directory.

## What will Ofsted do?

Ofsted will take appropriate action according to the nature of the complaint. We may ask the provider to investigate, particularly if the complaint involves someone in their employment. Where we do this we ask providers to tell us what they did to investigate, the conclusions they reached and any actions they took or intend to take as a result of the investigation. If we believe this is not sufficient we may then choose to investigate ourselves.

We may decide to investigate by visiting the provider. An investigation visit can be either announced or unannounced, or it may be carried out as part of a prescribed inspection visit. At the end of an investigation the inspector will decide what action, if any, Ofsted or the provider must take for the provider to comply with the National Standards and remain qualified for registration. In extreme cases Ofsted may cancel the registration of the provider or prosecute the provider if he or she has committed an offence.

Where there are child protection concerns, or concerns that involve other agencies such as fire safety or environmental health issues, Ofsted will share information with the appropriate agencies which will carry out their own investigations. Ofsted will decide either during or after these investigations whether the provider continues to meet the National

Standards and remains qualified for registration.

Sometimes during the course of an investigation Ofsted may decide that children are at risk of harm. In these cases we may suspend the registration of the provider to allow time for an investigation into the matters causing concern; or for steps to be taken to reduce or eliminate the risk of harm. We have a separate leaflet available on suspension.<sup>2</sup>

Ofsted will act on anonymous complaints made by a member of staff at the setting, or which suggest that a child is at risk of harm. However, for other anonymous complaints that relate to the National Standards, Ofsted will refer the complaint to the provider to investigate and ask the provider to report back to us.

## How will I know what you have done?

We will write to you to acknowledge your complaint, and again once our investigation is complete. We will provide you with a factual statement about the steps we took to deal with your complaint. We will also let you know any action that we took, or required the provider to take as a result of an investigation, and whether the provider continues to be suitable to provide childcare.

Ofsted published details of complaints received about providers on or after 1 April 2004 in inspection reports. From 1 September 2006 Ofsted is only publishing details of those complaints which have required us or the provider to take action in order for the setting to meet the National Standards. We no longer include details of complaints where **no such action is needed and the provider continues to meet the National Standards**. These reports are available on Ofsted's website.

<sup>2</sup> Building better childcare - Information for providers and parents and suspending the provision of childcare; available from [stage.ofsted.gov.uk/publications/index.cfm?fuseaction=pubs.summary&id=3595](http://stage.ofsted.gov.uk/publications/index.cfm?fuseaction=pubs.summary&id=3595)

## What if I am not satisfied with Ofsted's response

If you are still not satisfied after receiving Ofsted's response to your complaint you may contact Ofsted's Independent Complaints Adjudicator at PO Box 3124, Swindon SN6 8WD. Her role is to review how Ofsted has handled any complaint to ensure you have been treated fairly. She may make recommendations to Ofsted on how to improve our processes as a result of her investigation.

## Contacts

### **DfES Publications Helpline: telephone 0845 602 2260**

For the National Standards covering:

- childminding
- full day care
- sessional day care
- crèches
- out of school care.

### **The Day Care and Child Minding (National Standards) (Amendment) (England) Regulations 2005:**

HMSO website:

[www.opsi.gov.uk/si/si2005/20052303.htm](http://www.opsi.gov.uk/si/si2005/20052303.htm)

### **Ofsted's Publications Centre: telephone 07002 637 833**

for guidance on how providers can meet the National standards.

### **Day Care Trust:**

**telephone 0207 840 3350**

email: [info@daycaretrust.org.uk](mailto:info@daycaretrust.org.uk)

website: [www.daycaretrust.org.uk](http://www.daycaretrust.org.uk)

### **Ofsted's Early Years Helpline:**

0845 640 4040

### **Ofsted's Early Years Complaints line:**

0845 640 4040

## Ofsted's Regional Centres

North Region  
3rd floor  
Royal Exchange Buildings  
St Ann's Square  
Manchester  
M2 7LA

Midlands Region  
Building C  
Cumberland Place  
Park Row  
Nottingham  
NG1 6HJ

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